

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



October 19, 1999

Mr. Joe Hawkins
Community Health First
3 Marlin
Pittsburg, CA 94565

Dear Mr. Hawkins:

California Energy Commission responses to data requests set one, set two and set three are attached.

If you have any questions, please call me at 916-654-4074.

Sincerely,

Paul Richins, Jr.
California Energy Commission Project Manager

Attachment

cc: Delta Energy Center Proof of Service

**CALIFORNIA ENERGY COMMISSION
RESPONSE TO COMMUNITY HEALTH FIRST
DATA REQUESTS—SET ONE, SET TWO AND SET THREE**

SET ONE

- 1. Public participation is important in a California Environmental Quality Act (CEQA) assessment. What information can you provide to demonstrate that potentially exposed members of the public received notice of the proposed project? Specifically were downwind residents, regulatory agencies, school districts, minority groups, local government agencies, up to and including the greater Sacramento area, were notified of these proceedings and given sufficient period of time to respond? This information is relevant because according to the Federal EPA web site, ozone travels beyond state boundaries. The potentially exposed public mentioned above live close to Pittsburg and are downwind and therefore exposed. Additionally, EPA air pollution models and environmental justice guidelines support need for this action.**

The California Energy Commission uses several means of notifying the public and keeping them informed regarding the analysis and review of any power plant Application for Certification (AFC). Upon receipt of the AFC we send out a notice to all property owners near the proposed site (within 1,000 feet) and near any linear facility such as a gas line, water line, sewer line, steam line and road (within 500 feet). This notification briefly describes the project, how persons can become involved in the review process and where the AFC can be viewed. In the case of Delta Energy Center AFC, this notice went to more than 500 residents and businesses. The AFC is also sent to the local libraries in the area as well as libraries in Sacramento, Los Angeles, San Francisco, San Diego and Eureka with instructions to provide these as reference material for the public. The AFC was also sent to numerous local, state and federal agencies with an interest in the project (see attached Agency List 746).

Upon receipt of the AFC, the Energy Commission Media and Communications Office sends out press releases to local newspapers and radio and television. They also regularly send out press releases throughout the review process at the time of Data Adequacy, the Informational Hearing, the Evidentiary Hearings, the Presiding Members Proposed Decision and the final decision.

A paid display ad, 2 columns by 6 inches, was published in the Contra Costa Times, a local newspaper of general distribution noticing the Informational Hearing and Site Visit. The Informational Hearing was also noticed using the mailing lists identified above. A similar display ad will be published at the time of the Presiding Members Proposed Decision.

The Energy Commission Staff has conducted six workshops between April 15, 1999 and September 8, 1999 in Pittsburg (April 15, April 27, May 18, August 10, August 18, September 8). Each workshop was publicly noticed at least 10 days in advance of the workshop. A notice was sent to the individuals and businesses on the three mailing lists described above. The Evidentiary Hearings were also similarly noticed.

In the data request, Intervenor Community Health First states, "Public participation is important in a California Environmental Quality Act (CEQA) assessment". We agree with this statement and would point out that the Energy Commission noticing requirements and the opportunities for the public to participate far exceed any requirements of state law.

The Energy Commission web site also contains valuable information for the agencies, the public and Intervenor tracking the project. It includes a description of the project, all notices of hearings and workshops, project schedule, a list of items that have been docketed in a particular case, Issue Identification Report, the Preliminary Staff Assessment, Final Staff Assessment, Presiding Members Proposed Decision, and the final decision.

2. **In the Final Staff Analysis Public Health section, staff reached a conclusion that residents' health, welfare will not be adversely affected. Did staff look to any other agency besides the BAAQMD to reach that conclusion? Please identify the agencies and information relied on to reach those conclusions.**

Staff reached the conclusion that there will be no significant adverse health effects independent of BAAQMD. However, BAAQMD did approve the air quality modeling protocol. Staff ensured that the health risk assessment was performed pursuant to guidelines prepared by the Toxics Committee of the California Air Pollution Control Officers Association (CAPCOA), and that emission factors approved by the California Air Resources Board were also used. In addition, reference exposure levels and cancer potency values approved by the California Office of Environmental Health Hazard Assessment were used in the analysis to determine cancer and noncancer health effects.

3. **To arrive at an independent analysis of the public health impact from Delta Energy Center, why; didn't staff require that a 24-hour, 7 day a week, 3 year, non-averaged study be conducted for the Sycamore district in Antioch and Pittsburg's El Pueblo area's? To be fully accurate and scientific, the study should include any current Ozone and VOC studies for those areas. What reasons exist to prevent requiring this monitoring as a condition of certification?**

It is unclear from the question what would be the subject of the study referred to, or the justification for such a study. The question refers to ozone and VOCs, which are criteria pollutants. The risk analysis method used by CAPCOA does not take into account background levels of criteria pollutants unless the hazard index for the source is above 0.5 because they are too far below the significant level for noncancer risk. For the DEC project, the hazard indices for chronic and acute health effects are .035 and .058 respectively, which are essentially de minimus in relative terms such that no further analysis is required under the CAPCOA methodology. Therefore, staff did not include ozone and VOC background data in its analysis.

4. **It is further very confusing to intervenor and the public to understand how staff can arrive at the determination that there is no significant public health impact (Final Staff Assessment – page 23 part one) when the air quality information has not been completed. Why does staff’s “independent analysis” of the Delta Energy Center air studies rely on the irrelevant BAAQMD monitoring data (because the monitoring relies on averages and is not spatially limited to specific monitoring locations)? And further, why rely on air data that is based on unscientific assumptions (the existing air studies are outside the impact area).**

The question fails to understand the difference between staff’s public health analysis (cancer and noncancer health risks from toxic, non-criteria pollutants) and its air quality analysis, which is only concerned with “criteria” pollutants for which federal/state ambient air standards have been established. The public health testimony concludes that emissions of toxic materials from the project are de minimus, that the project does not result in any increased health risk to persons in the project vicinity, and that the project does not have a significant impact on public health, either directly or in terms of cumulative effect. The air quality analysis will analyze whether the project fully complies with state and federal ambient air quality requirements.

In addition, monitoring stations collect specific data for both toxic and criteria pollutants, contrary to the statement in the question. Stations that monitor certain pollutants may be used as the proxy for other areas that lack specific monitoring, as it is impossible to monitor all specific locations. For instance, Bethel Island was used by staff for PM10 impact measurement because Bethel Island is relatively near the project site and is considered the most representative location in the vicinity for PM10 impacts.

5. **Since the staff must conduct a thorough cumulative impact analysis, was the impact from the old PG&E plant now owned by Southern, considered in the Delta Energy Center? Shouldn't Southern be "corrected" before approval of the Delta Energy Center? What information does staff have that Southern will be made to comply with the new emission standards using the latest in technology and controls?**

The PG&E plant is an existing facility that has been in operation for many years. Therefore, the plant emissions are part of the existing background that was taken into account when we analyze the project impacts and the cumulative air quality impacts. The Energy Commission has no jurisdiction over the existing facility.

6. **In staff's independent analysis of the project and in full consideration of viable alternatives, why wasn't the alternative that renewable and non-polluting power generation technology be built in Contra Costa County. Why not study and evaluate a truly non-polluting alternative? In other words, if not having good air and pollution are the problems (and who disagrees with that) why isn't renewable and truly clean power a priority at the Energy Commission?**

In its evaluation of alternatives, staff considered alternative generation technologies (such as wind or geothermal). These technologies were screened out because they cannot meet the basic project objectives, which include the satisfaction of an RFP (Request for Proposal) for Dow for a cogeneration project that would provide Dow with reliable process steam and electricity.

7. **Since air quality is a critical issue, why isn't the provision of at least 2 permanent monitoring stations (one located east and downwind of, and one between, 98-AFC-1 and 98-AFC-3), and one permanent mobile monitoring station a condition of certification? All monitors capable of detecting all the chemicals, releases and byproducts resulting from the Delta Energy Center on a permanent basis, for as long as this Power Generation Facility is in use, even after transfer of ownership. And that all three monitoring units have constant easy access by the public over the Internet. If made a condition of certification, all expenses should accrue to the owner of the proposed power generation company. Maintenance and upkeep (not the cost of) for monitoring shall be performed by unaffiliated, independent persons or organizations.**

BAAQMD has an existing network of monitoring stations for the measurement of ambient air quality data. In the prior PDEF decision, the Energy Commission required, pursuant to intervenor requests, an additional monitoring station to be sited in Pittsburg and paid for jointly by the PDEF and DEC power plant projects. Staff does not believe additional monitoring is justified, as the emissions from

DEC would not be likely to contribute measurably to background levels, and it would not be possible to identify DEC as the source for the small amount of toxic emissions that will come from that facility.

- 8. In the interests of protecting public health, and assuring that an independent analysis is performed, did staff require that currently known and accepted medical tests for chemical environmental poisoning be performed on the low-income and minority residents of downwind and industry-affected areas, to determine if environmental over-exposures already exist and as a baseline for future studies among populations to be affected by the building of the Delta Energy Center? If staff did not require tests, then testing should be a condition of certification in the area of public health.**

Neither staff nor the Energy Commission itself has the authority to require low-income and minority populations in Pittsburg to submit to medical tests. Moreover, since the project will have no impact on local public health either directly or in a cumulative context, even for sensitive members of the population, staff believes there would be no basis for conducting such studies that relate to this project.

- 9. In the interests of public health, staff should consider a conditions of certification requiring that the area's Medical Community be trained on recognizing signs, symptoms, and the full range of available tests for toxic injury.**

The query is statement of conclusion rather than a request for information. It implies that the project will result in significant health impacts without indicating a causal relationship. Please refer to the answer to No. 8, above.

- 10. In the interests of public health, staff should consider a condition of certification requiring that applicant establish medical coverage and indemnification for losses when patient illness is suspected or known to be due to chemical or environmental exposures, including low-level, long-term, high-level or short-term over exposures incident to impacts from Delta energy Center operations in this community.**

The query is a statement of conclusion rather than request for information. It implies that the project will result in significant health impacts without indicating a causal relationship. Please refer to the answer to No. 8 above.

- 11. In conclusion, intervenor is concerned about toxically injured, chemically sensitive patients who frequently have positive test results on many diagnostic instruments as manifested by brain lesions, neurocognitive deficits, alterations in brain function, vascular disease, asthma, toxic**

encephalopathy, peripheral neuropathy, porphyria, mood disorders, etc. While there is no single test for toxically injured, chemically sensitive patients, there are a number of tests, to prove poisoning. Delta Energy Center, and perhaps all industries who contribute to area air pollution should be required to contribute to rehabilitate persons injured by industrial pollution (proportionally) and/or enable affected persons and their families to relocate away from the sources of pollution. Therefore, intervenor requests that staff recommend this approach as a condition for certification for Delta Energy Center

The query is a statement of conclusion rather than a request for information. It implies that the project will result in significant health impacts without indicating a causal relationship. Please refer to the answer to No. 8, above.

SET TWO

- 1. List all organizations and key individuals contacted in Pittsburg and Contra Costa County to inform the public about 98-AFC-1 and 98-AFC-3. The outreach in 98-AFC-1 is relevant because residents will be subjected to cumulative exposures. Please indicate if the contact(s) were written or verbal and the language(s) utilized.**

See response to data request 1, set 1. Also see attached letters from Roberta Mendoca, Energy Commission Public Advisor, and her contact lists. Contacts were in English.

- 2. Disclose any Federal funds utilized in the planning preparation and analysis of the 98-AFC-1 and Delta Energy Center 98-AFC-3.**

Staff is unaware of any federal funds used by the Energy Commission for the preparation and analysis of either 98-AFC-1 (PDEF project) or 98-AFC-3 (DEC project).

- 3. Did CEC staff contact any residents of “The El Pueblo” District identified in the attached Contra Costa Times – Ledger Dispatch article dated Wednesday, August 25th 1999? If the answer is yes, please indicate how the individuals were contacted and if the contact(s) were written or verbal and the language(s) utilized.**

The article referenced does not name or otherwise identify any “residents” of the El Pueblo District. Staff does not believe that the two individuals named in the article were directly contacted by staff, although it does not know whether the Public Advisor may have had contact with such individuals.

SET THREE

- 2. For the CEC, please provide information to explain who receives public notices from the CEC; the number of names on CEC mail lists for 98-AFC-1 and 98-AFC-3.**

See response to data request 1, set 1. See attached agency mailing lists for 98-AFC-1 and 98-AFC-3.

File:s/projects/delta/misc/staffdataresponse.doc

**ATTACHEMENTS ARE NOT INCLUDED FOR VIEW ON
THE WEB.**